IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 1294 of 2007(D)

PETITIONER:

K.M.MOHANAN, AGED 44,
S/O.KOZHIKOT MADHAVAN, PULLAZHY DESOM,
ARANATTUKARA VILLAGE, THRISSUR TALUK,
DRIVER-THRISSUR DISTRICT SUPPLY OFFICE.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR,
THRISSUR COLLECTORATE, AYYANTHOLE,
THRISSUR.

2. THE DISTRICT SUPPLY OFFICER,
THRISSUR.

3. THE TALUK SUPPLY OFFICER,
THRISSUR.

4. THE SECRETARY TO THE GOVERNMENT,
CIVIL SUPPLIES DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

5. V.A.ALIAR, DRIVER,
TALUK SUPPLY OFFICE, TALAPPILLY,
WADAKKANCHERY P.O., THRISSUR.

R1 TO R4 BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

= = = = = = = = = = = = = = = = =
W.P.(C) No.1294 OF 2007 D
= = = = = = = = = = = = = = = = =

Dated this the 25th January, 2007

J U D G M E N T

Respondent No. 5 herein was respondent No. 5 in W.P(C) No. 26311 of 2006 which was disposed of by this Court as per Ext. P6 judgment. That writ petition was filed by one Abdul Shafeer alleging that the official respondents were taking hasty steps to transfer back respondent No. 5 from Thalappilly to Thrissur despite the fact that the enquiry into serious allegations alleged to have been committed by him had been going on.

2. Govt. Pleader, on instruction, submitted that there was no such proposal and that W.P.(C) No. 26311 of 2006 was filed based on unfounded apprehensions. This Court recording the submission made by the Govt. Pleader disposed of that writ petition as per Ext. P6.

3. Now, the petitioner who is working as Driver in the District Supply Office, Thrissur has filed this writ petition contending that the official respondents have decided to favour respondent No. 5 by granting him a transfer to Thrissur.

4. Govt. Pleader, on instruction, submits that the apprehension entertained by the petitioner is unfounded in the same manner as the one entertained by the petitioner in W.P.(C) No. 26311 of 2006.

5. Counsel for the petitioner, on hearing the above statement, submits that the petitioner has reliably learnt that a third person is coming to displace him from the present office.

6. In the light of the information passed on to this Court by the Govt. Pleader that no action is taken to bring back respondent No. 5 to Thrissur during the pendency of the enquiry ordered against him, the very basis of this writ petition goes. The petitioner cannot complain about his transfer from the present office by making imaginary stories. It is well known that transfer is an incidence of service and the respondents will have to transfer and post the employees in public interest as also under special and peculiar circumstances in the exigencies of service. This is not a case that requires interference by this Court in exercise of the extraordinary

jurisdiction. Therefore, the writ petition is dismissed.

K.K. DENESAN
JUDGE

jan/